

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES

V.

NO. 04 10293 JLT

ANTHONY P. RAYMOND

**DEFENDANT'S MOTION TO STRIKE ALL ALIASES
FROM THE INDICTMENT**

The defendant moves pursuant to Fed. R. Crim. P. 12(b)(2) to strike from the caption and body of the indictment any and all aliases that defendant allegedly used. In support of this motion defendant states:

1. The government's use of aliases in the indictment severely prejudices defendant. They serve only to place defendant in a prejudged "criminal class" and render him inherently suspicious. *See People v. DeHerra*, 680 P.2d 848 (Colo. 1984). The notion is that if a person must hide his true identity via an alias, he or she must have something criminal to hide.

2. Courts have emphatically disapproved the unnecessary use of aliases in an indictment or at trial. *See United States v. Cowden*, 454 F.2d 257, 267-68 (1st Cir. 1976) (best to avoid use of aliases particularly when no relevant purpose for including them in indictment); *United States v. Beedle*, 463 F.2d 721, 725 (3d Cir. 1972)(government's use of aliases prejudiced defendant and served no useful end); *United States v. Wilkerson*, 456 F.2d 57, 59 (6th Cir. 1972)(strongly disapprove practice of including aliases in indictments); *Petrilli, v. United States*,

129 F.2d 101, 104 (8th Cir. 1942)(preliminary reading of aliases at trial should be curbed); *United States v. Grayson*, 166 F.2e 863, 867 (2d Cir. 1948); *United States v. Solowitz*, 99 F.2d 714, 715 (7th Cir. 1938).

WHEREFORE, defendant respectfully requests that the court order the government to strike all aliases from the indictment's caption and from the body of the indictment.

/s/Roger Witkin

ROGER WITKIN

Counsel for the Defendant
6 Beacon Street, Suite 1010
Boston, MA 02108
Tel. 523 0027
Fax 523 2024
BBO No. 531780

Dated: September 12, 2005

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V. CRIMINAL NO. 04 10293 JLT

ANTHONY P. RAYMOND

CERTIFICATE OF SERVICE

I hereby certify that on this day a true copy of the within document was served upon the attorney of record for the United States, AUSA Paul Moore, and a courtesy copy to the Clerk of Court by mail and electronic filing, which was e-filed this day.

/s/ Roger Witkin
Roger Witkin
6 Beacon Street, Suite 1010
Boston, MA 02108
Tel. 617 523 0027
Fax 617 523 2024
BBO No. 531780

DATE: September 12, 2005

